

To: CN=Paul Jones/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Christopher Hunter/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Erin Foresman/OU=R9/O=USEPA/C=US
Sent: Fri 12/28/2012 5:26:22 PM
Subject: Re: Fw: Lincoln 270 joint letter
[LSZ Flipbook v0p9 2012_06_15.pdf](#)
[BDCPSummaryPaperDec2012.docx](#)

Happy Friday Paul and Chris,

It sounds like we should take advantage of this good timing!

Chris, I attached a status description of BDCP from R9's perspective. This is the document that I use to keep track of where we are, so it's comprehensive. It's not a briefing paper but will give you a good idea of some of the challenges. There is a basic summary, then it's organized by NEPA status/issues and CWA status/issues.

I also attached a "flip book" showing the brackish water habitat referred to as the low salinity zone (2 - 6 PSU salinity) so you can see what we're talking about in the status paper. The gist of it is that when freshwater flows through the Delta are low, the low salinity zone is small and in the narrow Delta channels, less friendly habitat for resident and migratory fishes. When freshwater flows are high the low salinity zone is larger and located in friendlier habitat (shallow turbid bays) for resident and migratory fishes.

Parallel to BDCP, The State Water Resources Control Board is in the process of updating water quality standards that define freshwater flows through the Delta. This is one of the primary parts of my job on the SF Bay Delta watershed team. The flow objectives may be updated before a BDCP ROD is signed. We are very involved in the State Water Board's update of "flow objectives" which will affect the water operations decisions in BDCP. The LSZ flipbook I attached below was used as an attachment to one of our letters regarding the update of WQS for the Delta. You can let me know if it will be helpful for you to see the letters and presentations we've provided to the State Water Board regarding flow objectives as we discuss BDCP. The comments we make to the State Water Board are similar to the comments we make to BDCP applicants when they discuss potential water operations through a new Delta Conveyance.

There may be many connections between BDCP and the Stockton Deepwater Ship Channel deepening project but these are the ones I'm aware of now. The new Delta Conveyance (signature project in BDCP) is likely to exacerbate poor water quality in the southern and central Delta because cleaner and more voluminous Sacramento River water that would have flown through these channels will be removed from the system by the new Delta Conveyance before it reaches downstream locations (like Stockton DWSC). The result is less water of lower quality in Delta rivers. The 303(d) List in the Delta is long documenting many impairments ranging from pesticides and high salinity to heavy metals and low dissolved oxygen/nutrient enrichment. Deepening the Stockton DWSC will exacerbate the existing low dissolved oxygen (DO) problem in the ship channel in the deeper parts of the channel. There is an active TMDL for DO in the Stockton DWSC. DO levels are improving however dissolved oxygen levels are so low some years that they block upstream migration of adult salmon to spawning tributaries on the San Joaquin River. Another flow/WQ issue with deepening the channel is that it will affect how freshwater flows move through the Delta and slosh back and forth with the tides. These changes may result in violations of the flow objectives (state water quality standards) which in turn impacts how much freshwater flow can be exported out of the Delta through a new Delta Conveyance or the existing export facilities in the south. We found this in the Sacramento Deep Water Ship Channel deepening project and the Corps is working to make adjustments to meet flow objectives (standards) or could potentially have to pay the water cost (or find someone to pay the water cost) to meet the objectives.

Next week is pretty open for me on the 3rd and 5th to discuss all of this. Chris are you available on those days?
And what is a good time?

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I work a part time schedule (M 7:30a - 4:00p, T - F 7:30 - 2:00p)

From: Paul Jones/R9/USEPA/US
To: Christopher Hunter/DC/USEPA/US@EPA,
Cc: Erin Foresman/R9/USEPA/US@EPA
Date: 12/27/2012 12:29 PM
Subject: Re: Fw: Lincoln 270 joint letter

I'd be happy to join in on the conversation about BDCP. As Erin knows, I have been trying to unite forces around monitoring for the large HCPs so that there's a coordinated and integrated approach to regional monitoring for these plans with 404/401 RGPs or PGPs. So, from that perspective alone, I'd be pleased to be part of a discussion.

That said, feel free to talk separately if it's easier. Erin and I do keep each other posted on the important happenings....or try to anyway. Whatever works for you will work for me.

Paul

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From: Christopher Hunter/DC/USEPA/US
To: Erin Foresman/R9/USEPA/US@EPA,
Cc: Paul Jones/R9/USEPA/US@EPA

Date: 12/27/2012 12:19 PM
Subject: Re: Fw: Lincoln 270 joint letter

Interesting that you should bring up the BDCP, since I was just talking about it a couple of weeks ago, as it might relate to a Corps Civil Works project (Stockton Channel). I'd be interesting in hearing a status update on it. I'll be in all of January, and things are fairly quiet at the moment, so feel free to give me a call or propose a time to talk. Plus, I've been working a lot lately with the WQS and TMDL groups here at HQ, so I can try to rope others in if needed.

Happy New Year!

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From: Erin Foresman/R9/USEPA/US
To: Paul Jones/R9/USEPA/US@EPA
Cc: Christopher Hunter/DC/USEPA/US@EPA
Date: 12/27/2012 03:13 PM
Subject: Re: Fw: Lincoln 270 joint letter

Hey Paul and Chris,

I'm doing really well, thanks! Chris, we miss you in SF and Sacramento and wish you could have stayed with us on the west Coast!! The Little People in the house are 5 and 3.5 yrs and a ton of fun right now. I don't sit with Sacramento District any more. I am sharing space with National Marine Fisheries Service in their Delta office. I miss Mike Jewell's group, they're great! But I also really like the NMFS crowd. The SF Bay Delta water quality standards work I do overlaps nicely with the ESA work in that office, and a former R9'er (Maria Rae) is the office manager there. It's a good fit :-).

Sorry about the Lincoln 270 error. I'm glad Nancy has Krystal working on it. My last meeting with Jae and Wade Eakle was v. awkward and I understood there was a push to complete the permit. But that was a long time ago! Maybe the push was to arrive at a LEDPA. Compensatory mitigation was always a problem for the project. There is nothing as nice out there as what they plan to destroy.

Chris, One day soon, I need to talk to you about Bay Delta Conservation Plan (BDCP). Maybe, if Paul has time, we can talk to you together. It's a challenge to find the appropriate level of involvement for BDCP -- attending the meetings alone could be a full time job. The last thing I want to do is generate another meeting for BDCP. However, the time has come for us to let you all know where it stands. One the bright side, it is a complex project that brings in other CWA programs (especially, water quality standards and monitoring) and it demands our collective thinking caps.

Happy New Year! Adios 2012!!
Erin

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From: Paul Jones/R9/USEPA/US
To: Christopher Hunter/DC/USEPA/US@EPA,
Cc: Erin Foresman/R9/USEPA/US@EPA
Date: 12/27/2012 11:34 AM
Subject: Re: Fw: Lincoln 270 joint letter

Hi: thanks to Erin for sending along all that info. I knew I could count on you!!

As for Lincoln 270, the permit has not been issued yet. The FWS wrote a draft BO and the Corps (Nancy) has assigned the project to a new PM (Krystal Bell) since Jae Chung is no longer working on it. The mitigation site is a leveled rice field where they're proposing to restore vernal pools that show up on the 1937 aerial photos at about 1:1. I think it's inadequate compensation and the word is the Corps agrees that it's inadequate, but we'll see.

We have not rescinded the elevation, but among us mice, it's not likely we will elevate. Jason and I have talked about it a lot, and the level of impacts are not "huge" except in the vernal pool context and the FWS was instructed from HQ to write a BO by Oct 15th that will work for AKT.....and they did.

Hope you both have a Happy New Year.

Paul

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From: Christopher Hunter/DC/USEPA/US

To: Erin Foresman/R9/USEPA/US@EPA,
Cc: Paul Jones/R9/USEPA/US@EPA
Date: 12/27/2012 10:40 AM
Subject: Re: Fw: Lincoln 270 joint letter

Thanks for passing my question along Paul, and thanks for the great information Erin, and Happy Holidays to you too! I was thinking of you after I came across your name looking for the Placer Parkway letter, and back to when we were both at the Sacramento District office (almost 4 years ago!!). How have you been?

Chris

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From: Erin Foresman/R9/USEPA/US
To: Paul Jones/R9/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA
Date: 12/27/2012 01:10 PM
Subject: Re: Fw: Lincoln 270 joint letter

Hi Paul and Chris,
How nice to see your names in email :-). Happy Holidays all around.

Here is what I have on the projects mentioned in Chris's email.

The Lincoln Bypass Project is a new freeway facility around the city of Lincoln on Highway 65 (construction started, not complete). The Lincoln 270 Project is a medical facility in between Highway 65 (not the bypass) and a frontage road just south of the City of Lincoln (permit signed, construction not started). We did not sign any joint letters with the Corps for either of these projects. We did sign a joint letter with the Corps on the Placer Parkway, which is proposed new freeway connecting Highway 65 south of the city of Lincoln with Highway 99 in southern Sutter County. Placer Parkway received federal funding for programmatic NEPA evaluation. I don't know if they have received further funding. Look at this file from Placer County Conservation Plan to see where they all are located in relation to one another.

[attachment "final Figure 2 4.pdf" deleted by Christopher Hunter/DC/USEPA/US]

Sooooooo here are the letters that go with those projects.

Lincoln 270 -- I believe we did not rescind our option to elevate in Lincoln 270. And I also believe that project now has a CWA 404 permit. It would be very interesting to get a copy of that permit and look at the whole process to see if it is a good example for training purposes. I have a great case file (beautiful pics, the original PN, etc...) that goes with this project -- or maybe you have it now Paul. It is hard copy, brown folder. I may have most of it electronically as well on an archived DVD. That is at the office and I'm working from home. If Chris needs it, I can look for it.

[attachment "PN200000684_SAC_Placer_Lincoln270Commercial_3(b)_04082005.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "PN200000684_SAC_Placer_Lincoln270Comemercial_3(a)_03112005.pdf" deleted by Christopher Hunter/DC/USEPA/US]

Placer Parkway -- Tier 1 (Programmatic) EIS for a new highway using NEPA-404 MOU -- we wrote a joint letter regarding LEDPA with Corps here. I included the letters that go with the MOU including, the NEPA-404 MOU, NOI comments, concurrence on purpose and need, concurrence on criteria for alternatives, DEIS comments (from EPA, FWS, and Sierra Club), and comments on a revised DEIS. I switched jobs before the FEIS comments but they are available here

<http://www.epa.gov/region9/nepa/letters/Placer-Parkway-Corridor-Tier-1.pdf>

[attachment "PlacerParkway_Corps_EPA_Tier1LEDPA_Response_08152008.pdf" deleted by Christopher Hunter/DC/USEPA/US]

[attachment "Sierra Club Comments RDEIS 3162009.pdf" deleted by Christopher Hunter/DC/USEPA/US]

[attachment "CDFG_FWS_DEIS_COMMENTS.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "EPA Concurrence Purpose & Need 03072005.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "EPA Criteria Concurrence 07122005.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "EPA FINAL LETTER Placer Parkway DEIS.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "EPA NOI 11032003.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "EPA PParkway MOU 04012004.pdf" deleted by Christopher Hunter/DC/USEPA/US] [attachment "EPA RDEIS Placer Parkway Comments.pdf" deleted by Christopher Hunter/DC/USEPA/US]

Lincoln Bypass -- we did not use 404q MOA, we were not as engaged as we should have been early in the NEPA-404 process. I don't have all the letters from that project here at home. I may have more at work. Here are the two NEPA letters. The item of note for Lincoln Bypass was LEDPA identification. This was achieved by avoiding impacts to important vernal pool habitat using conservation easements on a parcel with reasonably foreseeable indirect impacts from induced growth. This is described in the FEIS letter but if you want more detail I'll look for other letters in my DVD archive.

<http://www.epa.gov/region9/nepa/letters/lincoln-bypass-deis.pdf>

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From: Paul Jones/R9/USEPA/US
To: Erin Foresman/R9/USEPA/US@EPA,
Date: 12/27/2012 09:05 AM
Subject: Fw: Lincoln 270 joint letter

Hi: happy holidays to you.

I'd appreciate it if you could look at the message below and see if this rings a bell. Not sure which project Chris is referring to...is it the Lincoln bypass project? Would appreciate any thoughts you might have and tips on where the letter might be if you think you know what he's asking for....

Thanks!!

Paul

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----- Forwarded by Paul Jones/R9/USEPA/US on 12/27/2012 09:03 AM -----

From: Christopher Hunter/DC/USEPA/US
To: Paul Jones/R9/USEPA/US@EPA,
Date: 12/27/2012 08:42 AM
Subject: Lincoln 270 joint letter

Happy Holidays Paul,
we're putting together a new training this year on Significant Degradation, with an emphasis on crafting effective arguments, and I'm looking for a copy of the joint letter that EPA-Corps-FWS sent a few years ago. I'm pretty sure it was on the Lincoln 270 highway, but can't find any record of it here. If you can dig that up, can you send me a copy? In addition, if there are case you can think of where EPA has been particularly successful resolving concerns regarding significant degradation, I'd be interested in hearing about them to use as examples in the training.

Thanks!

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